

Message Text

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ACTION HA-05

INFO OCT-01 ARA-10 ISO-00 SS-15 SSO-00 NSCE-00 PA-01
ICAE-00 H-01 AID-05 CIAE-00 INR-10 NSAE-00 INRE-00
SP-02 L-03 ABF-01 OMB-01 TRSE-00 AGRE-00 /055 W
-----033867 061747Z /53
O 061625Z JUL 78
FM AMEMBASSY PORT AU PRINCE
TO SECSTATE WASHDC IMMEDIATE 8877

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E.O. 11652: N/A
TAGS: SHUM, HA
SUBJECT: HUMAN RIGHTS UPDATE FOR HAITI

REF: STATE 165456

1. PART I - NEW EVENTS AND INDICATORS

1) GENERAL MOVES

THERE HAVE BEEN NO NEW GENERAL GOVERNMENT POLICY MOVES ON HUMAN RIGHTS
DURING THIS PERIOD (JANUARY-JUNE). THE GOVERNMENT DID, HOWEVER, TAKE
TWO MOVES WHICH COULD HAVE BROAD POLICY IMPLICATIONS. IN JANUARY THE
GOVERNMENT FORMALLY INVITED THE INTER AMERICAN HUMAN RIGHTS COMMISSION
TO VISIT HAITI, A VISIT NOW SET FOR JULY. THE GOVERNMENT ALSO FORMALLY
EXPRESSED INTEREST IN MAY IN OUR PL480 TITLE III PROPOSAL, AIMED AT
ACCELERATING ECONOMIC DEVELOPMENT AND CONDITIONED ON SEVERAL MAJOR
GOVERNMENTAL FISCAL AND ADMINISTRATIVE REFORMS.

2) POLITICAL PRISONERS

THERE ARE NO POLITICAL PRISONERS IN HAITI; THE GOVERNMENT'S ASSERTION

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THAT IT RELEASED ALL SURVIVING POLITICAL PRISONERS LAST SEPTEMBER
IS APPARENTLY CORRECT. NOR ARE WE AWARE OF ANY NEW ARRESTS OR
DISAPPEARANCES OF PERSONS FOR POLITICAL REASONS.

3) MEDIA

THE MAJOR MEDIA EVENT DURING THIS PERIOD WAS THE FEBRUARY VISIT OF
THE INTER AMERICAN PRESS ASSOCIATION (IAPA). THE KEY PARAGRAPH

IN ITS REPORT READS AS FOLLOWS: "THE RECENT SETBACKS FOR THE PRESS ARE REAL AND TRAGIC, BSG IT SEEMS EVIDENT THAT THERE HAS BEEN A NET GAIN FOR THE HAITIAN PRESS IN THE PAST YEAR. NO ONE DENIES THAT THE PRESS TODAY IS SAYING MORE THAN IT DID A YEAR AGO AND A GREAT DEAL MORE THAN IT DID SEVEN YEARS AGO." BUT THE MEDIA IS STILL CONSTRAINED. THE GOVERNMENT MAY BE PAYING OFF SOME JOURNALISTS TO REDUCE CIRITICISM; THE MOVE TO REJUVENATE THE HAITIAN JOURNALIST'S ASSOCIATION HAS SO FAR FAILED TO GET OFF THE GROUND; AND OUTSPOKEN JOURNALISTS STILL RECEIVE HECTORING CALLS FROM SENIOR GOVERNMENT OFFICIALS WHEN THEY TRAMD TOO HARD ON GOVERNMENT INTERESTS. NEVERTHELESS THE MEDIA HAS PERSISTED IN COMMENTING, CIRCUMSPECTLY BUT INTELLIGIBLY, ON THE SHORTCOMINGS OF THE GOVERNMENT AND SOCIETY.

2. PART II - FOLLOW-UPS, UPDATES AND REVERBERATIONS

1) EVENTS

A NUMBER OF EVENTS HAVE OCCURRED IN THIS PERIOD WHICH DEPICT AN UNSETTLED FLUX:

A. CONAJEC - THE CREATION OF THE NATIONAL COMMITTEE FOR JEAN-CLAUDIST ACTION HAS PROVIDED ANOTHER INDICATION OF THE PRESIDENT'S DESIRE TO BOLSTER HIS PUBLIC STANDING IN THE FACE OF ELECTION RUMBLINGS THROUGHOUT THE AREA, MOST ESPECIALLY IN THE DOMINICAN REPUBLIC. THE GOVERNMENT CLEARLY HAS NO INTEREST IN MULTI-PARTY DEMOCRACY, AND HAS MADE CLEAR THE LEGISLATIVE LIMITED OFFICIAL USE

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ELECTIONS IN 1979 WILL BE CONDUCTED ON THE TRADITIONAL BASIS OF ANOINTED INDIVIDUAL CANDIDATES.

B. HUMAN RIGHTS LEAGUE (HRL) - THE RATHER BOLD CREATIONOF THE HRL IN LATE MARCH COMPOSED OF PRIVATE INDIVIDUALS, MOSTLY LAWYERS, HAS BEEN FOLLOWED BY INACTION. THE GOVERNMENT HAS NOT ACTED ON ITS REQUEST FOR OFFICIAL RECOGNITION-REQUIRED BY LAW TO EXPAND BEYOND ITS ORIGINAL 20 MEMBERS. SOME MEMBERS HAVE BEEN PRESSURED TO RESIGN AND THE PRESIDENT OF THE HRS, IN FRAGILE HEALTH AND VULNERABLE TO GOVERNMENT PRESSURE BECAUSE OF HIS IMPLICATION IN A MAJOR SCANDAL INVOLVING FOREIGN INVESTMENT IN AN ABORTIVE SUGAR MILL AND DEVELOPMENT SCHEME IN 1974/75, HAS BEEN INACTIVE.

C. JUDICIAL PROCESSES -

1) TRIALS - PUBLIC OPINION REINFORCED BY THE MEDIA FORCED THE GOVERNMENT TO TRY AND TO CONVICT THE VSN ASSAILANTS OF PASTOR LUC NEREE AND AN ARMY OFFICER WHO SHOT A CARNIVAL REVELER. ALTHOUGH THE ACTUAL SENTENCE OF THE VSN WAS DERISORY, THE FACT THE VSN WERE TRIED AT ALL, AND PUBLICLY, MARKED AN UNUSUAL MILESTONE IN RECENT HAITIAN JUDICIAL PROCEDURE. THE JUDICIAL PROCESS STILL LEAVES MUCH TO BE DESIRED BUT A USEFUL

PRECEDENT HAS BEEN SET.

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OMB-01 TRSE-00 AGRE-00 /051 W
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2) CORRUPTION TRIAL - THE GOVERNMENT TRIED AND CONVICTED SEVEN PERSONS ACCUSED OF DEFRAUDING THE CEMENT MONOPOLY, CIMENT D'HAITI OF OVER \$200,000. PUBLIC TESTIMONY CLEARLY IMPLICATED MORE SENIOR GOVERNMENT OFFICIALS AND MILITARY OFFICERS BUT THE TRIAL FOCUSED ON THE "LITTLE PEOPLE". THE GOVERNMENT ALSO USED THIS TRIAL--THROUGH THE OBVIOUSLY ORCHES-TRATED TESTIMONY OF THE CHIEF DEFENDANT, ANTONIO DUPUY, FORMER FELLOW ASYLEE--TO BLACKEN THE NAME OF LUCIEN RIGAUD, STILL IN ASYLUM IN THE MEXICAN EMBASSY.

3) RIGAUD CASE - THE GOVERNMENT CONTINUES TO MAINTAIN THAT RIGAUD IS A COMMON CRIMINAL AND REFUSES TO GRANT PERMISSION TO THE MEXICAN EMBASSY TO ALLOW RIGAUD'S DEPARTURE. THE GOVERNMENT MAINTAINS THAT IT WISHES TO TRY RIGAUD BUT THE CIMENT D'HAITI TRIAL DID NOT INSPIRE RIGAUD'S CONFIDENCE. THE GOVERNMENT IS NOW LOOKING FOR A WAY TO RESOLVE THIS MATTER, RECOGNIZING THE DAMAGE RIGAUD HAS CAUSED TO ITS REPUTATION.

D. IAHRC VISIT - THE VISIT IS SCHEDULED FOR JULY. IT HAS NOT BEEN ANNOUNCED PUBLICLY SO FAR. THE IAHRC SHOULD BE ABLE TO CORROBORATE THE NUMEROUS POSITIVE STEPS TAKEN BY THE GOH IN RECENT YEARS. ITS MOST DIFFICULT TASK WILL BE TO GET THE GOH TO ACCOUNT FOR ALL THOSE PERSONS WHO DISAPPEARED DURING THE WORST YEARS OF THE DUVALIER REGIME. SO FAR AS WE KNOW, NO
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HAITIAN HAS YET SOUGHT TO USE THE NEW GOH LAW PERMITTING RELATIVES TO REQUEST AN ACCOUNTING OF THE WHEREABOUTS OF A MISSING PRISONER. GOH RECORDS, IN ANY EVENT, ARE PROBABLY INCOMPLETE FOR THIS PERIOD.

E. PRISON CONDITIONS AND ICRC VISIT - THE INTERNATIONAL COMMITTEE OF THE RED CROSS VISITED THE NATIONAL PENITENTIARY IN FEBRUARY 1976 AND MADE A CONFIDENTIAL REPORT TO PRESIDENT DUVALIER THE FOLLOWING SEPTEMBER WHICH PROMPTED THE PRESIDENT TO MAKE SOME REFORMS IN PRISON CONDITIONS AND ADMINISTRATION. CONDITIONS IN THE NATIONAL PENITENTIARY AND THE DESSALINES BARRACKS IN DOWNTOWN PORT AU PRINCE ARE IMPROVED AND THE POLITICAL PRISON AT FORT DIMANCHE HAS BEEN CLOSED FOR NEARLY A YEAR FOR RECONSTRUCTION, BUT THAT "REFORM" HAS APPARENTLY NOT YET EXTENDED TO RURAL PRISONS. THE ICRC REQUESTED PERMISSION TO MAKE A RETURN VISIT TO INCLUDE "MILITARY" PRISONS WHEN IT SUBMITTED ITS REPORT IN SEPTEMBER 1976, BUT STILL HAS NOT RECEIVED PERMISSION. THE PRESIDENT OF THE HAITIAN RED CROSS, WHOSE WIFE IS PRIVATE SECRETARY TO MRS. DUVALIER, HAS TOLD THE EMBASSY HE WILL EXPLORE THE POSSIBILITIES OF A RENEWED ICRC REQUEST WHEN HE VISITS GENEVA NEXT OCTOBER.

F. POLICIES ON THE PROVISION OF BASIC HUMAN NEEDS - THE GOVERNMENT HAS EXPRESSED INTEREST IN A TITLE III PL480 PROPOSAL WHICH, IF ACCEPTED AND IMPLEMENTED, WOULD RESULT IN THE FIRST REALLY MEANINGFUL REFORM IN DECADES IN THE HAITIAN ADMINISTRATIVE STRUCTURE. THE KEY PROPOSAL, ON WHICH WE ARE SUPPORTED BY THE IMF, IS THE COMPLETE OVERHAUL OF THE BUDGET PROCESS TO ACCOUNT PUBLICLY FOR ALL GOVERNMENT RECEIPTS AND EXPENDITURES. THE GOVERNMENT'S REACTION TO THIS PROPOSAL, WHICH WE SHOULD SEE IN THE NEXT FEW MONTHS, WILL PROVIDE A GOOD TEST OF THE GOVERNMENT'S INTEREST IN AND ABILITY TO MOBILIZE ITSELF TO BRING ABOUT SIGNIFICANT LIMITED OFFICIAL USE

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ECONOMIC DEVELOPMENT AND THEREBY CONTRIBUTE MORE EFFECTIVELY TO THE BASIC HUMAN NEEDS OF HAITI.
JONES

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, PROGRESS REPORTS
Control Number: n/a
Copy: SINGLE
Draft Date: 06 jul 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978PORTA02733
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780277-0857
Format: TEL
From: PORT AU PRINCE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780790/aaaacydd.tel
Line Count: 214
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 2269827a-c288-dd11-92da-001cc4696bcc
Office: ACTION HA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 78 STATE 165456
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2103493
Secure: OPEN
Status: NATIVE
Subject: HUMAN RIGHTS UPDATE FOR HAITI
TAGS: SHUM, HA
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/2269827a-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014